

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4657 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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USMANBHAI C SHAIKH

Versus

STATE OF GUJARAT  
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Appearance:

MR BIPIN I MEHTA for Petitioner  
MR DB JOSHI, AGP for Respondent No. 1  
MR DD VYAS for Respondent No. 3  
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CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 28/01/2000

ORAL JUDGEMENT

When the matter was called out, learned advocate for the petitioner has pointed out that junior to the petitioner had been given the benefits of selection grade which is

denied to the petitioner while fixing the pensionary benefits. It was, therefore, suggested by him that in view of the peculiar facts and circumstances, this petition may be treated as representation and the respondents may consider it within a reasonable period of time. This submission is not, rightly, opposed by Mr D.P.Joshi, learned AGP, while appearing for the respondents.

Prima facie, there appears to be a case for reconsideration if the benefit is given to the junior to the petitioner in fixation of the pension. In the circumstances, the request of the learned advocate for the petitioner that the petitioner would like to make representation and the respondent No.3 may be directed to reconsider the case and decide it within a reasonable time appears to be justified.

In the circumstances, the petitioner is directed to send a copy of this petition to the respondent No.3, which will be treated as a representation and the respondent No.3 will reconsider the case of the petitioner within a period of three months from the date of receipt of the copy of the representation, keeping in mind all the facts and circumstances, including the allegation that junior is given higher benefit than the petitioner.

In view of the aforesaid statement and the direction, the petition stands disposed of. Rule is discharged with no order as to costs.

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(vjn)